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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR PATENT

Appellant Cunkelman
Serial No.: 10/667,030
Filed: September 18, 2003
Title: A Fluorescent Lamp And Method For
Attaching A Base Member To An End Of Same
Examiner: German Colon
Group Art Unit: 2882

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(A)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 30, 2005 by Carlo S. Bessone.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:

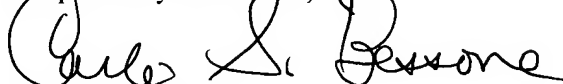
COVER LETTER

Enclosed is an Appeal Brief in the above-entitled application which is submitted in response to the Final Rejection dated May 3, 2005 wherein all the claims then of record (Claims 8, 10-12 and 19-23) were finally rejected. A Notice of Appeal was filed on August 5, 2005, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief is filed within two months of the date of filing said Notice of Appeal.

The additional fee of \$500 for filing this Brief in Support of an Appeal under Fee Code 1402 should be charged to Deposit Account No. 15-0685.

OSRAM SYLVANIA INC.
100 Endicott Street
Danvers, MA 01923
978-750-2076

Respectfully submitted,


Carlo S. Bessone
Reg. No. 30,547



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES-----
Ex parte Cunkelman

APPLICATION FOR PATENT

Serial No.: 10/667,030
Filed: September 18, 2003
Title: A Fluorescent Lamp And Method For
Attaching A Base Member To An End Of Same
Examiner: German Colon
Group Art Unit: 2882

BRIEF ON APPEAL

This Appeal Brief is submitted in response to the Office Action dated May 3, 2005 wherein all the claims then of record (claims 8-12 and 19-23) were finally rejected. A Notice of Appeal was filed on August 5, 2005, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief in support of the appeal is filed within two months of the filing date of said Notice of Appeal.

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(I) REAL PARTY IN INTEREST

The real party in interest in the above-identified application is OSRAM SYLVANIA INC.

(II) RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(III) STATUS OF CLAIMS

Claims 8, 10-12 and 19-23 have been rejected and are herein appealed. These claims are delineated in the Appendix attached hereto. Claims 1-7, 9 and 13-18 have been canceled. No claims have been allowed.

(IV) STATUS OF AMENDMENTS

No amendment has been filed subsequent to final rejection.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

With particular reference to page 8, line 2 to page 10, line 13 and FIGS. 1-5, independent Claim 8 defines a method for attaching a base member 30 to an end of a fluorescent lamp glass envelope 12 including the steps of providing an annular end portion 24 on an external wall portion of a glass envelope 12, pressing a base shell member 42 of a cup-shaped configuration onto the end portion of the envelope, applying a collar 60 of shrink wrap material to the envelope end portion and the base shell member with the collar having an

adhesive 62 on an interior surface thereof, and shrinking the collar to compress against the envelope end portion and the base shell member whereby the adhesive contacts the envelope end portion. As a result, the base shell member is fixed on the end portion of the fluorescent lamp envelope.

Claim 10 defines the adhesive as being a curable adhesive and the method as including a further step of curing the adhesive after applying the collar to the envelope end portion and the base shell member. Claim 11 defines the step of shrinking the collar as comprising the application of heat to the collar to heat shrink the collar. Claim 12 defines the adhesive as being cured and the collar as being shrunken by the application of heat.

Independent Claim 19 defines a method for attaching a base member 30 to an end of a fluorescent lamp glass envelope 12 including the steps of providing an annular end portion 24 on a wall of a glass envelope 12, pressing a base shell member 42 of a cup-shaped configuration onto the end portions of the envelope, applying a collar 60 of wrap material to the envelope end portion and the base shell member with the wrap material having a layer of adhesive 62 on an interior surface thereof to fix the base shell member on the envelope end portion.

Claim 20 defines the adhesive as being curable adhesive and the method as comprising a further step of curing the adhesive after applying the collar to the envelope end portion and the base shell member. Claim 21 defines the collar as being of a shrink wrap material and the method as comprising a further step of shrinking the collar onto the envelope end portion and the base shell member. Claim 22 defines the step of heat curing the adhesive. Claim 23 defines the step of heat shrinking the collar.

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 8, 11, 19, 21 and 23 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 3,602,759, which issued to Evans in view of U.S. Patent No. 5,536,998, which issued to Sica.

Whether Claims 10, 12, 20 and 22 are patentable under 35 U.S.C. §103(a) as being unpatentable over Evans and Sica in view of U.S. Patent No. 4,276,102, which issued to Schaeffer et al.

(VII) ARGUMENT

CLAIMS 8, 11, 19, 21 and 23 ARE NOT OBVIOUS
OVER EVANS IN VIEW OF SICA

According to the Final Office Action dated May 3, 2005, Claims 8, 11, 19, 21 and 23 stand rejected under 35 U.S.C. 103 as being unpatentable over Evans in view of Sica. The Examiner considers that the patent of Evans discloses a method for attaching a base member to an end of a fluorescent lamp glass envelope with the method comprising the steps of providing an annular end portion on an external wall portion of the glass envelope, pressing a base shell member 18 of a cup-shape configuration onto the end portion of the envelope, applying a collar of shrink wrap material 22 to the envelope end portion and the base shell member, and shrinking the collar to compress against the envelope end portion and the base shell member. The Examiner admits that Evans is silent regarding the limitation of "said collar having an adhesive on an interior surface."

The Examiner contends that Sica discloses a method for attaching a base member to an end of a fluorescent lamp comprising the steps of applying a collar of shrink wrap material to the base member and the lamp wherein the collar has an adhesive on an interior surface with the purpose of providing additional mechanical retention over and above that provided by shrinking the collar while also providing a moisture barrier and hermetic seal. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive on an interior surface of the collar disclosed by Evans in order to provide additional mechanical retention over and

above that provided by shrinking the collar while also providing a moisture barrier and hermetic seal. The Examiner also contends that Evans and Sica disclose the adhesive contacting the envelope end portion.

This rejection is respectfully traversed and reversal thereof by this Honorable Board is respectfully requested. Appellants respectfully submit that the patent of Evans and Sica fail to teach or suggest the claimed invention.

With particular attention to independent Claim 8, the present invention relates to a method for attaching a base member to an end of a fluorescent lamp glass envelope including the steps of providing an annular end portion on an external wall portion of a glass envelope, pressing a base shell member of a cup-shaped configuration onto the end portion of the envelope, applying a collar of shrink wrap material to the envelope end portion and the base shell member with the collar having an adhesive on an interior surface thereof, and shrinking the collar to compress against the envelope end portion and the base shell member whereby the adhesive contacts the envelope end portion. As a result, the base shell member is fixed on the end portion of the fluorescent lamp envelope.

Evans teaches a fluorescent lamp including an envelope 12 having base members 18 secured to the sealed ends of the envelope. A sleeve 22 of heat-shrinkable plastic encloses the envelope. However, Evans fails to disclose applying a collar of shrink wrap material to the envelope end portion and the base shell member with the collar having an adhesive on an interior surface thereof; and shrinking the collar to compress against the envelope end portion and the base shell member, to fix the base shell member on the envelope end portion.

Sica teaches a fluorescent lamp including a glass tube 12 having a cup-like terminal cap 14 disposed at each end. A protective tube 16 is received over the glass tube with its inner surface substantially uniformly spaced apart from the outer surface of the glass tube by a spacer ring 18 located adjacent each end of the glass tube. Unlike the present invention, a shrink-fitted collar 20 of Sica is used to secure the protective tube to a lamp base and not to fix a base shell member to the glass envelope as recited in the Claims. Unlike the present invention, Sica

discloses an adhesive layer 22 and 24 is applied between the collar 20 and the protective tube 16 and the lamp terminal cap 14, respectively. Appellant respectfully submits that Sica clearly teaches away from the present invention and the combination proposed by the Examiner by stating at column 4, lines 52-54 that "[n]o adhesive is present between the glass tube 16 of the lamp and the collars 20."

Appellant respectfully submits that in view of the above, it is evident that the cited references lack proper teaching, suggestion, or motivation for the modification proposed by the Examiner. The only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Appellant. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Additionally, even if one were to assume, *arguendo*, that one of ordinary skill in the art would have been led to the combination proposed by the Examiner, one would still not arrive at the instant invention because the resulting combination would not meet all of the limitations recited in independent Claims 8 and 19. For example, the proposed combination would not include layer of adhesive on an interior surface of the collar or wrap material to contact the envelope end portion and fix the base shell member on the end portion of the fluorescent lamp envelope.

Absent such teaching or suggestion, the invention as defined by independent Claims 8 and 19 is deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103 and allowance of independent Claims 8 and 19 is respectfully urged.

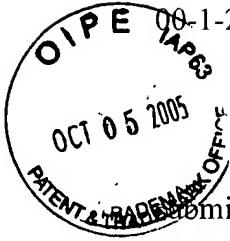
Claims 11 and 21, 23 are dependent on Claims 8 and 19, respectively, and thus includes all the limitation thereof and are similarly viewed. Allowance thereof is respectfully requested.

CLAIMS 10, 12, 20 and 22 ARE NOT OBVIOUS
OVER EVANS AND SICA IN VIEW OF SCHAEFFER ET AL

The Examiner states that Evans and Sica fail to disclose the limitation of “the adhesive being a curable suggest a heat curable adhesive, the method including a step of curing the adhesive.” However, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a heat-curable adhesive as the adhesive of Evans and Sica, with the purpose of simplifying manufacture by melting the adhesive, curing it and shrinking the heat-shrinkable wrap on a single heating process. Also, the Examiner concludes that it has been held to be within the general skills of an artisan to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Schaeffer teaches a method for compacting transposed cable strands. More specifically, Schaeffer teaches the use of a heat shrinkable polymeric layer wrapped around a cable of adhesively coated transposed strands prior to heating the cable to melt the adhesive. Appellant respectfully submits that there is no teaching or suggestion to use an adhesive which coats transposed cable strands of Schaeffer with the fluorescent lamp of Evans and the adhesive of Sica in order to arrive at Appellant’s invention as proposed by the Examiner. Clearly, the Examiner has failed to establish a prima facie case of obviousness. Moreover, Claims 10, 12, 20 and 22 depend on their respective independent Claim and therefore include all recitations thereof.

Absent such teaching or suggestion, the invention as defined by Claims 10, 12, 20 and 22 are deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance these Claims is respectfully urged.



For the reasons and arguments presented above, Appellants conclude that we submit that Claims 8, 10-12 and 19-23 are deemed fully patentable over the references cited by the Examiner. Accordingly, reversal of the Examiner's rejections of Claims 8, 10-12 and 19-23 under the provisions of 35 U.S.C. 103 by this Honorable Board is earnestly and respectfully requested.

Respectfully submitted,

Carlo S. Bessone

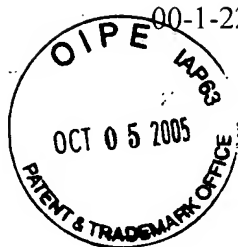
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on September 30, 2005 by Carlo S. Bessone.

(VIII) CLAIMS APPENDIX

Claims 1-7, 9 and 13-18 were previously canceled.

The following represent all of Appellant's claims on appeal:

8. A method for attaching a base member to an end of a fluorescent lamp glass envelope, the method comprising the steps of:

providing an annular end portion on an external wall portion of the glass envelope;

pressing a base shell member of a cup-shape configuration onto the end portion of the envelope;

applying a collar of shrink wrap material to the envelope end portion and the base shell member, said collar having an adhesive on an interior surface thereof; and

shrinking the collar to compress against the envelope end portion and the base shell member whereby the adhesive contacts the envelope end portion, to fix the base shell member on the envelope end portion.

10. The method in accordance with claim 8 wherein the adhesive is curable adhesive and the method includes a further step of curing the adhesive after applying the collar to the envelope end portion and the base shell member.

11. The method in accordance with claim 8 wherein shrinking the collar comprises applying heat to the collar to heat shrink the collar.

12. The method in accordance with claim 10 wherein the adhesive is cured by the application of heat and the collar is shrunken by the application of heat.

19. A method for attaching a base member to an end of a fluorescent lamp glass envelope, the method comprising the steps of:

providing an annular end portion on a wall of the glass envelope;

pressing a base shell member of a cup-shape configuration onto the end portions of the envelope; and

applying a collar of wrap material to the envelope end portion and the base shell member, the wrap material having a layer of adhesive on an interior surface thereof to contact the envelope end portion and fix the base shell member on the envelope end portion.

20. The method in accordance with claim 19 wherein the adhesive is curable adhesive and the method comprises a further step of curing the adhesive after applying the collar to the envelope end portion and the base shell member.

21. The method in accordance with claim 19 wherein the collar is of a shrink wrap material and the method comprises a further step of shrinking the collar onto the envelope end portion and the base shell member.

22. The method in accordance with claim 20 wherein curing the adhesive comprises heat curing the adhesive.

23. The method in accordance with claim 21 wherein shrinking the collar comprises heat shrinking the collar.

(IX) EVIDENCE APPENDIX

Item not relevant

(X) RELATED PROCEEDINGS APPENDIX

Item not relevant